

FCC Filing
Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984) MB Docket No. 05-311
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

COMMENTS OF
WEST ALLIS COMMUNITY COMMUNICATIONS CORPORATION
7210 W. GREENFIELD AVE, WEST ALLIS, WI 53214

These Comments are filed by West Allis Community Communications Corporation in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations. Like the Alliance, West Allis Community Communications Corporation believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

Cable Franchising in Our Community

Community Information

West Allis is a city with a population of 70,000. Our franchised cable provider is Time Warner. Our community has negotiated cable franchises since 1981.

Our Current Franchise [

Our current franchise began on January 1st, 1996 and expires on March 31, 2006.

Our franchise requires the cable operator to pay a franchise fee to the city in the amount of 5% of the cable operator's gross revenues.

The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have 1 channel devoted to public access; 1 channel devoted to educational access; and 1 channel devoted to government access.

Our franchise requires that our PEG channels be supported in the following ways by the cable operator: A flat Rate of \$200,000 Dollars annually over and above the Franchise Fee is voluntarily provided by Time Warner Cable. From the \$200,000, the amount of \$150,000 is specified for the management of the public access channel and \$50,000 is designated for the educational access channel. The public access channel was also awarded a one time \$300,000 Capital Grant. The funding for the government access channel comes from the 5% Franchise Fee.

Our franchise requires emergency alerts. These emergency alert requirements provide an important avenue of communication with our residents in the event of an emergency.

PEG Access Services

The West Allis Community Communications Corporation has provided access services in our community for 25 years. We operate one access channel. In our most recently completed fiscal year, West Allis Community Communications Corporation provided 260 hours of new original local programming to the cable subscribers. The community used our equipment, facility and various services 1,000's of times. Below are the highlights of our services to the community.

- Video bulletin board with text and graphics for community

announcements.

The staff of public access Channel 14 is dedicated to developing highly graphically designed community bulletin board pages that reflect a community organizations identity and intent through photographs, logos, multi-media techniques, live video and text to effectively communicates the message to the viewers.

- Coverage of community planning forums, town hall meetings, and neighborhood board meetings.

Shooting Community meetings, dinners with special presenters or acknowledging volunteers, and candidate forums are part of our regular coverage of community events.

- Community-produced television programming for special interests (such as - seniors, non-English-speaking, ethnic and cultural groups, youth, people with disabilities, advocacy groups, health care, etc.)

Channel 14 features individual and series programs that cover Seniors, health issues, teens, the arts, music, religion, popular television, cooking Astology and many other subjects.

- Staff-produced television programming on topics of interest to the local community.

The staff leads crews of volunteers to cover local parades, annual and monthly State

Fair activities, pageants, professional ice skating at Petite Olympic Rink and other events not covered by volunteers.

- Dedicated channel capacity specifically for non-profit organizations to air locally-produced programming.

Numerous nonprofit organizations use our facilities to make programs and submit

programs produced at other production facilities. League of Women Voters of

Wisconsin, Democratic Party, Milwaukee Art Museum, etc.

- Dedicated channel capacity specifically for religious organizations to air locally-produced programming.

Over twenty local churches submit programming to run on our channel.

Some produce the programming with our equipment and a few submit out-of house programming.

- Hotline studios for live, interactive programs that allow local

experts to answer viewer questions.

Our studio is capable of going live which allows for lively debates and candidate forums, monthly horoscope programs, and Live Santa Call Ins.

- Free viewing of cable service at selected public sites.

Residents can View Public Access programming at the West Allis Senior Center, West Allis Library, West Allis/West Milwaukee Recreation Department, and in the reception area and community meeting room of the West Allis Community Communications Corporation.

- Local news coverage (not on local broadcast stations).

Though our channel always allows for subjects to be covered more in depth than on the local commercial news, we are currently writing a grant to start a weekly news program produced by local high school students.

- Media literacy and production training for neighborhood based community organizations and individuals.

We have ongoing program production planning, media literacy and hands on technical video production training.

- Video production facilities including studio, field, editing, and, if available, remote van.

We provide all of the equipment above and a three camera remote studio that can be used throughout the community with ease.

- Support to Media Training Centers in local schools, enhancing learning opportunities for students.

We offer Teen Video Production Training Camps for children 13-18 years of age.

- Satellite program reception and redistribution.

We play satellite programming provided for our use including Dept. of Education, NASA, Democracy Now, Free Speech TV and the Reading programs.

- . Local political coverage, candidate platform statements and candidate debates during campaign season, Election night coverage. In 2004, we produced candidate forums for five community organizations.

- Gavel-to-gavel coverage of educational governance proceedings.
School Board meetings are played on our educational access channel.
- Gavel-to-gavel coverage of local government meetings/hearings and other select "local" governmental proceedings.
Shown on our local government access channel

The Franchising Process

Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. However derived (whether requested by the local government or offered by the cable operator), once the franchise is approved by both parties the provisions in the franchise agreement function as contractual obligations upon both parties.

While a franchise is negotiated by the local government as a contract, the process provides notice requirements for the public and the cable operator under state and local law. For instance: In West Allis, the City is required to hold a public hearing to provide the opportunity for local residents to offer their insights as to how the cable company has performed locally and what the public wants to see provided to the community in return for the Franchisees use of the public right of way.

Competitive Cable Systems

Our community

- was approached once, but the provider chose not to enter into any formal discussions.
- does have mechanisms in place to offer the same or a comparable franchise to a competitor upon request.

Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in West Allis. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws.

There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what

features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The West Allis Community Communications Corporation therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of "Community Reinvestment" through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community's property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

West Allis Community Communications Corp.

By: Mary Shanahan-Spanic

7210 W. Greenfield Ave

West Allis, WI 53214

cc: Alliance for Community Media, Getup@alliancecm.org